

90th Legislative Session – 2015

Committee: Senate Appropriations

Friday, February 20, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Buhl O'Donnell
P Parsley
P Solano
P Heineman (Phyllis)
P Haverly
P Van Gerpen
P Omdahl
P Tidemann, Vice-Chair
P Peters, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Deb Peters.

SB 106: provide funding for the South Dakota technical institutes, to make an appropriation therefor, and to declare an emergency.

Presented by: Senator Corey Brown

Proponents: Dick Tieszen, Technical Schools in South Dakota (Handouts: No. 1)

MOTION: AMEND SB 106

106gb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. There is hereby appropriated from the general fund the sum of one dollar (\$1) or so much thereof as may be necessary, to the Department of Education to provide additional funding to the South Dakota technical institutes.

Section 2. The secretary of education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 3. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Tidemann
Second by: Van Gerpen
Action: Prevailed by voice vote.

MOTION: DO PASS SB 106 AS AMENDED

Moved by: Tidemann
Second by: Buhl O'Donnell
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

MOTION: AMEND TITLE OF SB 106

106gta

On page 1, line 1, of the printed bill, after "institutes" insert ", to make an appropriation therefor, and to declare an emergency".

Moved by: Tidemann
Second by: Solano
Action: Prevailed by voice vote.

SB 176: provide for the development of online resources and a rubric of textbook analysis for use in school districts, and to make an appropriation therefor.

Presented by: Senator Tim Rave
Proponents: Robert Monson, School Administrators Of South Dakota
Opponents: Tami Darnall, SD Department of Education
Kelsey Hanson, Bureau of Finance & Management

MOTION: AMEND SB 176

176ga

On page 1, line 4, of the printed bill, delete "five hundred" and insert "one dollar (\$1)".

On page 1, line 5, delete "thousand dollars (\$500,000)".

Moved by: Tidemann
Second by: Solano
Action: Prevailed by voice vote.

MOTION: AMEND SB 176

176gb

On page 1, after line 12 of the printed bill, insert:

" Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.".

Moved by: Tidemann
Second by: Buhl O'Donnell
Action: Prevailed by voice vote.

MOTION: DO PASS SB 176 AS AMENDED

Moved by: Tidemann
Second by: Heineman (Phyllis)
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

MOTION: AMEND TITLE OF SB 176

176gtb

On page 1, line 2, of the printed bill, delete "and".

On page 1, line 2, after "therefor" insert ", and to declare an emergency".

Moved by: Tidemann
Second by: Buhl O'Donnell
Action: Prevailed by voice vote.

SB 145: accommodate legislation to increase teacher pay in South Dakota.

Presented by: Senator Billie Sutton

MOTION: TO TABLE SB 145

Moved by: Tidemann
Second by: Parsley
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

SB 181: enhance higher education affordability and to make an appropriation therefor.

Presented by: Senator Larry Tidemann
Opponents: Steven Kohler, Bureau of Finance & Management

MOTION: AMEND SB 181

181gb

On page 1, line 4, of the printed bill, delete "three million one" and insert "one dollar (\$1)".

On page 1, line 5, delete "hundred ninety-nine thousand five hundred forty-eight dollars (\$3,199,548)".

On page 1, line 8, delete "seven hundred" and insert "one dollar (\$1)".

On page 1, line 9, delete "thirty-five thousand eight hundred ninety-six dollars (\$735,896)".

Moved by: Tidemann
Second by: Buhl O'Donnell
Action: Prevailed by voice vote.

MOTION: DO PASS SB 181 AS AMENDED

Moved by: Tidemann
Second by: Buhl O'Donnell
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

SB 147: expand Medicaid.

Presented by: Senator Bernie Hunhoff
Proponents: Megan Myers, American Heart Association
Scott Duke, SDAHO
Dean Krogman, SD State Medical Assoc.
Nick Kotzea, Sanford Health
Janae Hansen, National Association of Social Workers- SD
Myron Rau, SD Trucking Association
Myron Rau, SD Auto Dealers Association
Jennifer Stalley, Community Healthcare Association of the Dakotas
Brittany Novotny, South Dakota Nurses Association
David Benson, American Cancer Society Cancer Action Network
Erik Nelson, AARP
Opponents: Emily Ward, Bureau of Finance & Management
Chad Krier, Americans for Prosperity (Handouts: No. 2)

MOTION: TO TABLE SB 147

Moved by: Solano
Second by: Buhl O'Donnell
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

SB 169: provide medical care for certain unborn children.

Presented by: Senator Bernie Hunhoff (Handouts: No. 3)
Proponents: Representative Roger Hunt
Kim Malsam-Rysdon, Office of the Governor
Dean Krogman, SD State Medical Assoc.
Deb Fischer-Clemens, Avera Health

Brittany Novotny, South Dakota Nurses Association

MOTION: DO PASS SB 169

Moved by: Parsley
Second by: Buhl O'Donnell
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION TO TABLE SB 169

Moved by: Solano
Second by: Omdahl
Action: Prevailed by roll call vote. (6-3-0-0)

Voting Yes: Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Peters

Voting No: Buhl O'Donnell, Parsley, Tidemann

SB 163: make an appropriation to fund the Teach for America grant program.

MOTION: AMEND SB 163

163cb

On page 2, line 9, of the printed bill, delete "five hundred" and insert "one dollar (\$1),".

On page 2, line 10, delete everything before "or" .

Moved by: Heineman (Phyllis)
Second by: Van Gerpen
Action: Prevailed by voice vote.

MOTION: DO PASS SB 163 AS AMENDED

Moved by: Heineman (Phyllis)
Second by: Van Gerpen
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION TO TABLE SB 163

Moved by: Tidemann
Second by: Parsley
Action: Prevailed by roll call vote. (7-2-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Haverly, Omdahl, Tidemann, Peters

Voting No: Heineman (Phyllis), Van Gerpen

SB 50: authorize the South Dakota Building Authority to provide for the construction, reconstruction, renovation, and modernization of state park facilities and infrastructure at Custer State Park for the Department of Game, Fish and Parks, to make an appropriation therefor, and to declare an emergency.

Others: Chris Petersen, Department of Game, Fish & Parks

MOTION: AMEND SB 50

50ja

On page 3, between lines 12 and 13 of the printed bill, insert:

" Section 7. If at any point in time, the Department of Game, Fish and Park requests the Building Authority to issue bonds to finance the costs authorized in section 1 of this Act, or to restore the amounts appropriated to the Custer State Park improvement fund as provided in section 2 of this Act, the Building Authority shall issue bonds for such purposes using such combination of tax exempt and taxable bonds as it deems necessary or appropriate."

On page 4, line 4, delete "9" and insert "10".

Moved by: Tidemann
Second by: Buhl O'Donnell
Action: Prevailed by voice vote.

MOTION: AMEND SB 50

50ge

On page 2, line 2, of the printed bill, delete "general" and insert "budget reserve".

On page 2, line 9, after "interest" delete ", to the general fund".

On page 2, line 9, before "shall" delete "general fund" and insert "state".

On page 2, line 10, delete "from the general fund".

On page 2, line 15, delete "to the general fund".

On page 2, line 16, delete "general fund." and insert "state. Principal payments shall be deposited in the budget reserve fund and interest payments shall be deposited in the general fund.".

On page 2, line 17, delete "general fund" and insert "state".

On page 2, line 24, before "until" delete "general fund" and insert "state".

On page 2, line 24, delete "from the general fund".

On page 3, line 4, delete "from the general fund" and insert "pursuant to section 2 of this Act".

On page 3, line 6, delete "general" insert "budget reserve".

On page 3, line 8, delete "general fund" and insert "state".

On page 3, line 9, delete "from the".

On page 3, line 10, delete "general fund".

On page 3, line 12, delete "from the general fund".

On page 3, line 24, delete "from the general fund".

On page 4, line 2, delete "general fund" and insert "amounts appropriated pursuant to section 2 of this Act".

On page 4, line 9, delete "Except as provided in section 2 of this Act, no" and insert "No".

Moved by: Tidemann
Second by: Heineman (Phyllis)
Action: Prevailed by voice vote.

MOTION: DO PASS SB 50 AS AMENDED

Moved by: Tidemann

Second by: Heineman (Phyllis)
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

SB 53: revise certain provisions regarding the state aid to general education formula and to revise the property tax levies for the general fund of school districts.

MOTION: DO PASS SB 53

Moved by: Tidemann
Second by: Omdahl
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Omdahl, Tidemann, Peters

Excused: Van Gerpen

SB 54: revise certain provisions regarding the state aid to special education formula and to revise the property tax levies for special education.

MOTION: DO PASS SB 54

Moved by: Tidemann
Second by: Heineman (Phyllis)
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Omdahl, Tidemann, Peters

Excused: Van Gerpen

SB 55: revise the General Appropriations Act for fiscal year 2015.

Presented by: Jason Dilges, Bureau of Finance & Management (Handouts: No. 4)

MOTION: AMEND SB 55

55ga

On page 9 of the printed bill, delete lines 8 to 12, inclusive.

Moved by: Tidemann
Second by: Parsley
Action: Prevailed by voice vote.

MOTION: DO PASS SB 55 AS AMENDED

Moved by: Tidemann
Second by: Heineman (Phyllis)
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

Co-Chair Tidemann assumed the Chair.

SB 99: revise certain provisions of the Medicaid contingency fund due to federal legislation, to make an appropriation therefor, and to declare an emergency.

Presented by: Senator Deb Peters
Opponents: Emily Ward, Bureau of Finance & Management

MOTION: AMEND SB 99

99ga

On page 2, line 1, of the printed bill, delete "nine million" and insert "one dollar (\$1)".

On page 2, line 2, delete "dollars (\$9,000,000)".

Moved by: Heineman (Phyllis)
Second by: Buhl O'Donnell
Action: Prevailed by voice vote.

MOTION: DO PASS SB 99 AS AMENDED

Moved by: Heineman (Phyllis)

Second by: Buhl O'Donnell

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

SB 193: provide for an annual evaluation of economic development incentives.

Presented by: Senator Deb Peters

Proponents: John Buhl, PEW Charitable Trusts

MOTION: AMEND SB 193

193md

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as follows:

Terms used in this Act mean:

- (1) "Agency," a state agency, department, division, program, or office of any state agency, bureau, authority, institution, council, board, commission, or program of state government. This term does not include any unit of local government;
- (2) "Committee," the Government Operations and Audit Committee;

Section 2. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as follows:

During each interim, the committee shall conduct agency evaluations which may consider any of the following:

- (1) Whether the funds which have been appropriated or otherwise allotted by the Legislature to the various state agencies have been expended in accordance with legislative intent;
- (2) Whether programs administered by the agencies are being conducted according to legislative intent;
- (3) Whether money and other assets for which the agency is responsible have been properly administered;
- (4) Whether reports and financial statements of the agency adequately disclose the nature and

scope of the activities conducted and provide a proper basis for evaluating the agency's operations;

- (5) Whether there is duplication or overlap of services;
- (6) Whether there are alternative means of achieving the same results;
- (7) Whether the committee agrees with the goals of the agency;
- (8) Whether the committee agrees with the objectives of the agency;
- (9) Whether the objectives are measurable and have identified targets or benchmarks;
- (10) Whether the agency's performance measures can determine progress toward the targets or benchmarks; and
- (11) Any other factors relating to the efficiency, economy, and effectiveness of the agency being evaluated.

Section 3. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as follows:

The committee shall develop a schedule for evaluating each state agency. The committee shall ensure that each agency is evaluated at least once every eight years, except any agency the committee exempts from evaluation.

Section 4. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as follows:

The committee shall provide the results of the evaluations to the Executive Board of the Legislative Research Council in a written report by December first of each year.

Section 5. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as follows:

Any officer or employee of a state agency subject to the evaluations required in this Act shall fully assist the committee during the course of the evaluation. The committee and staff shall have access to and authority to examine all books, records, accounts, files, correspondence, and all other documents, confidential or otherwise, maintained by the agency or its employees during the course of agency business. The committee and staff shall maintain as confidential any information received that is specifically enjoined to be held confidential by law.

Section 6. This Act is effective January 1, 2016."

Moved by: Heineman (Phyllis)
Second by: Omdahl
Action: Prevailed by voice vote.

MOTION: DO PASS SB 193 AS AMENDED

Moved by: Heineman (Phyllis)
Second by: Omdahl
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

MOTION: AMEND TITLE OF SB 193

193mta

On page 1, line 1, of the printed bill, delete everything after "of" and insert "state government agencies and require a report."

On page 1, delete line 2.

Moved by: Solano
Second by: Buhl O'Donnell
Action: Prevailed by voice vote.

Chairman Peters assumed the Chair.

SB 52: revise certain provisions regarding investment income that is transferred to the general fund and to declare an emergency.

MOTION: AMEND SB 52

52gb

On page 1 of the printed bill, delete lines 4 to 11, inclusive, and insert:

" Section 1. That § 4-5-30.1 be amended to read as follows:

4-5-30.1. Notwithstanding the provisions of § 4-5-30, on or about June first of each fiscal year

the state investment officer shall estimate the proration due to the general fund for the next fiscal year. No later than June fifteenth of that fiscal year, the state investment officer shall credit the general fund with an amount equal to ~~ninety~~ fifty percent of the estimated proration due to the general fund for the next fiscal year. At such time that the actual proration to the general fund is determined, the state investment officer shall credit or debit the remaining proration due to the general fund.

Section 2. That § 4-5-30.1 be repealed on June 1, 2016."

Moved by: Tidemann
Second by: Van Gerpen
Action: Prevailed by voice vote.
Voting No: Buhl-O'Donnell, Parsley, Heineman (Phyllis)

MOTION: DO PASS SB 52 AS AMENDED

Moved by: Tidemann
Second by: Van Gerpen
Action: Prevailed by roll call vote. (6-3-0-0)

Voting Yes: Solano, Haverly, Van Gerpen, Omdahl, Tidemann, Peters

Voting No: Buhl O'Donnell, Parsley, Heineman (Phyllis)

MOTION: AMEND TITLE OF SB 52

52gta

On page 1, line 1, of the printed bill, delete "repeal" and insert "revise".

Moved by: Tidemann
Second by: Solano
Action: Prevailed by voice vote.

SB 144: establish a tuition reimbursement program for certain teachers who teach in rural school districts.

MOTION: TO TABLE SB 144

Moved by: Tidemann
Second by: Heineman (Phyllis)
Action: Prevailed by roll call vote. (7-2-0-0)

Voting Yes: Solano, Heineman (Phyllis), Haverly, Van Gerpen, Omdahl, Tidemann, Peters

Voting No: Buhl O'Donnell, Parsley

SB 157: make an appropriation to the state aeronautics fund.

MOTION: TO TABLE SB 157

Moved by: Tidemann
Second by: Omdahl
Action: Prevailed by roll call vote. (8-1-0-0)

Voting Yes: Buhl O'Donnell, Parsley, Solano, Heineman (Phyllis), Haverly, Omdahl, Tidemann, Peters

Voting No: Van Gerpen

MOTION: ADJOURN

Moved by: Heineman (Phyllis)
Second by: Omdahl
Action: Prevailed by voice vote.

Barb Bjorneberg
Committee Secretary

Deb Peters, Chair